

REMARKS

Applicants thank the Examiner for thorough consideration given the present application. Claims 1-4 and 6-13 are currently being prosecuted. The Examiner is respectfully requested to reconsider his rejections in view of the amendments and remarks as set forth below.

Amendment

Applicants submit that the entry of the present Amendment is appropriate since it includes the cancellation of one claim to reduce the issues and the correction of one misspelling. Since no new issues are involved, Applicants submit the entry of the Amendment is appropriate and is respectfully requested.

Rejection under 35 U.S.C. § 112

Claim 5 stands rejected under 35 U.S.C. § 112 second paragraph as being indefinite. By way of the present Amendment, Applicants have canceled this claim rendering this rejection moot.

Rejection under 35 U.S.C. § 102

Claims 1-4, 6, and 10-12 stand rejected under 35 U.S.C. § 102 as being anticipated by Astrom (U.S. Patent 7,118,311). This rejection is respectfully traversed.

It is noted that the present rejection is identical to the rejection provided in the previous Office Action with the exception that claims 10-12 have been added. However, it is noted that the Examiner has not responded to Applicants' previous arguments and has not replied to any comments on the additional language added to claim 1. Applicants' request the Examiner to fully consider the present remarks and to also consider the previous amendments. The Examiner states that Astrom shows a milling cutter with a cutter body having insert seats (8) and a cutting insert (9) in each of the insert seats in either of two directions. The insert includes a through hole 10 and first and second cutting blade parts on opposite ends. The Examiner also states that each

of the seats include two locking holes formed on first and second inner surfaces of the insert seats so that the insert is fastened to the seat by locking screw which is tightened into one of the first or second locking holes. It is noted that the Examiner has not indicated where these individual features are found in the reference.

Applicants submit that the Examiner has misapplied the Astrom reference. Applicants agree that the disk 1 has a plurality of spaced channels into which is placed a cutting insert. However, the cutting insert 9 is not mounted directly on the disk, but is instead mounted on a cassette 3 which operates with a wedge 4 to be mounted on the disk. A seat 8 is formed on each cassette for receiving the insert 9. Opposite ends of the insert can be used to form two cutting edges.

However, Applicants disagree with the Examiner that the seat has two locking holes formed on two inner surfaces of the seat. The channel 2 has one locking hole for receiving screw 7 which holds the wedge in place. The cassette 3 has serrations which lock with the corresponding serrations 6 in the channel. The wedge prevents movement of the cassette with the tightening of the screw 7. If the channel is considered to be the seat, there is only a single screw hole and a single screw 7. If the seat is considered to be the seat on the cassette, there is again only one hole for receiving the screw 11. Applicants submit that there is no second hole or screw involved in the insert seat and that the cutting insert can not be attached through the use of either hole. While it is true that the cutting edge can be reversed end for end to present two different cutting edges, these are the only two possible orientations. If the Examiner persists in this rejection, he is requested to point out how the seats of Astrom have two locking holes and two inner surfaces described in the claim. The Examiner is also requested to point out how the Astrom reference shows that a locking screw can be tightened into either the first or second locking hole. Applicants submit that Astrom does not show these features and that the Examiner is incorrect in his application of this reference.

Further, Applicants wish to point out that in the previous Amendment the insert was described as being fastened to the seat in either of two perpendicular directions. While it is true

that the cutting insert the reference can have two orientations by of being switched end for end, these are not perpendicular directions as is presently claimed.

In the present invention, each seat has two surfaces with a hole for receiving the locking screw. Thus, the first surface is perpendicular to a radius of the circle and essentially is in a circumferential plane. The adjoining surface is perpendicular to the first surface. These two surfaces are clearly seen in Figure 1. Since the screw can be tightened against either surface, the cutting insert can be moved 90° merely by switching the surface to which the insert is attached. However, since the screw can be inserted into the hole in the insert either from the top or the bottom and since this can be accomplished in relation to either surface of the seat, four different orientations are possible. In addition to this, the insert can still be switched end for end giving eight possible orientations. This differs from the Astrom device where only two orientations are possible. Applicants submit that the Examiner has completely ignored the limitation of the two perpendicular directions recited in claim 1. If the Examiner persists in this rejection, he is requested to explain how the insert can be fastened to the seat in either of two perpendicular directions. Accordingly, Applicants submit that the Examiner is incorrect in relying on the Astrom reference to teach the invention of claim 1 and that claim 1 defines there-over.

Claims 2-4 and 6-10 depend from claim 1 and as such are also considered to be allowable. In addition, each of these claims recite other features that make them allowable. It is particularly noted that claim 3 describes insert seats as having first and second locking holes formed on first and second inner surfaces and that the insert is fastened into the first or second locking hole. Thus, Applicants submit that claim 3 is additionally allowable. It is further noted that claim 10 states that the first locking hole extends radially and the second locking hole extends perpendicular to the first locking hole. This is clearly not seen in Astrom since only a single hole is shown. Accordingly, claim 10 is similarly allowable. It is further noted that the Examiner does not apply this reference against claims 7-9.

Claim 11 is an independent claim which also describes the seat as having two perpendicular inner surfaces with each surface having a locking hole. This claim also states that

the cutting insert is selectively fastened to one of the first and second perpendicular inner surfaces which is not seen in the reference. Accordingly, Applicants submit that claim 11 is allowable for similar reasons presented in regard to claim 1. Claims 12 and 13 depend from claim 11 and as such are also considered to be allowable. In addition, claim 12 describes one of the locking holes as extending radially and other locking hole extending axially. This is also not seen in Astrom. Similarly, claim 13 describes cutting blades on opposite ends with each cutting blade part having four cutting edges so that the insert can utilize eight cutting edges. This is clearly not seen in Astrom. Accordingly, Applicants submit that these claims are additionally allowable.

Rejection under 35 U.S.C § 103

Claims 5, 7-9 and 13 stand rejected under 35 U.S.C. § 103 as being obvious over Astrom. In regard to claims 7-9 the Examiner states that it would be obvious to make the cutting insert in any form or shape and obvious to use the claimed ratio. Applicants submit that even if the Examiner is correct, these claims remain allowable based on their dependency from allowable claim 1.

In regard to claim 13 the Examiner states it would be obvious to provide a cutting insert with four edges cause it involves mere duplication. Applicants disagree with the Examiner's statement of obviousness. It would not be obvious to provide extra edges in the Astrom device since the mounting arrangement precludes the extra cutting edges from being placed in a cutting position. The screw and hole arrangement in Astrom allows for end to end switching but does not in any manner allow the blade to be placed in eight different positions. It would not only be obvious to provide a blade with four edges but in fact this is taught again since the mounting of the device does not use such an arrangement. Accordingly, Applicants submit that claim 13 is additionally allowable.

Conclusion

In view of the above remarks, it is believed that the claims clearly distinguish over the patent relied on by the Examiner. In view of this, reconsideration of the rejection and allowance of all the claims are respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact James T. Eller, Jr., Reg. No. 39,538, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By  _____

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